

## **FISCAL NOTE**

TO: Chief Clerk of the Senate  
Chief Clerk of the House

FROM: James A. Davenport, Executive Director

DATE: March 8, 1995

SUBJECT: **HB 56**

This bill, if enacted, requires the court to instruct the jury determining comparative fault in multiple party tort cases to answer special interrogatories or, if there is no jury, shall make findings indicating:

(1) The amount of damages each claimant would be entitled to recover if contributory fault is disregarded; and

(2) The percentage of the total fault of all of the parties to each claimant, defendant, third-party defendant, and any other person who has earlier been released from liability. For this purpose the court may determine that two (2) or more persons are to be treated as a single party.

The court is to then determine the award of damages to each claimant based on these findings, with this judgement entered against each liable party on the basis of joint-and-several liability. The court shall determine and state in the judgement each party's equitable share of the obligation to each claimant in accordance with the respective percentages of fault. On motion made within one (1) year of the

judgment where an equitable share of a party's obligation has not been collected, the court shall reallocate the uncollected amount among other parties according to the percentages of fault. The non-paying party remains liable to contribution on the judgement.

The fiscal impact from enactment of this bill is estimated to result in an increase in state expenditures to the Claims Award Fund; however, such increase cannot be reasonably determined but is estimated to exceed \$100,000.

Further, the fiscal impact from enactment of this bill is estimated to result in an increase in local government\* expenditures; however, such increase cannot be reasonably determined but is estimated to exceed \$100,000.

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James A. Davenport". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

James A. Davenport, Executive Director

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*